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## LASD ICE detainer notification

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#### **4-06/005.00 IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER NOTIFICATIONS**

Immigration detainers are sent to a variety of Department locations, such as station jails, court lock-ups, and custody facilities. Those personnel who receive an "Immigration Detainer – Notice of Action", shall ensure the concerned inmate signs the detainer next to his/her name (Name of Alien section), acknowledging their notification of the detainer. If the inmate refuses to sign the detainer, the person serving the detainer shall note the inmate's refusal in the same section and initial the form.

Additionally, personnel shall ensure the bottom portion of the form, "TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY HOLD THE SUBJECT OF THIS NOTICE," section is completed. A copy of the signed detainer and the attached "Notice to the Detainee" shall be provided to the inmate. If the inmate is sent to the custody of the Inmate Reception Center (IRC) or Century Regional Detention Facility (CRDF) for processing, the original detainer shall be forwarded to IRC, Document Control, to be placed in the inmate's booking jacket. Should the inmate stay in the custody of the arresting agency, the original detainer remains with the station booking packet, until the inmate is released to Federal custody.

Should any custody facility receive a faxed detainer from IRC, the concerned facility's watch commander shall ensure the detainer is signed by the inmate and faxed back to IRC within the received shift. Inmate shall either be escorted to the appropriate personnel to sign the detainer or the detainer shall be brought to the inmate for signature. A copy of the signed detainer and attached "Notice to the Detainee" shall be provided to the inmate. If the inmate is unable to sign the detainer within the received shift, the watch commander shall notify IRC of the reason for delay.

If an inmate receives an "Immigration Detainer – Notice of Action" and claims to be in the United States legally, Department personnel shall immediately notify the watch commander. The watch commander shall make an immediate notification to the IRC watch deputy via telephone. The watch commander shall ensure the notification is recorded in the facility's Watch Commander's Log.

IRC personnel shall log the notification in the log book used exclusively to record Immigration and Customs Enforcement (ICE) Detainer Disputes. IRC personnel shall record the following:

- Watch Commander's name, employee number, and unit
- The date and time of the notification
- The inmate's name and booking number

IRC personnel shall immediately contact the IRC ICE Liaison at (213) 893-5349 during normal business hours. After business hours and on weekends or holidays, IRC personnel shall contact ICE Command Center at (949) 360-2519/2520.

In accordance with Custody Manual section 4-13/000.00 "Retention of Records", the ICE Detainer Disputes Log shall be retained for a minimum of five (5) years.



#### **4-06/005.05 IMMIGRATION AND CUSTOM ENFORCEMENT DETAINER ACCEPTANCE AND PROCESSING PROCEDURES**

On December 21, 2012, Immigration and Custom Enforcement (ICE) modified the "Immigration Detainer Notice of Action" (ICE Detainer or I-247) form. The change is designed to ensure those arrested, charged, or sentenced with a minor crime(s) are not subject to a hold or removal unless otherwise specified on the ICE Detainer.

Absent extraordinary circumstances, which may be determined by the Inmate Reception Center (IRC) unit commander, an appropriately completed ICE Detainer shall be accepted by IRC if the ICE Detainer clearly notes that: (1) ICE has reason to believe the individual is an alien subject to removal from the United States, and (2) one or more of the following conditions apply:

- The individual has a prior felony conviction or has been charged with a felony offense
- The individual has three (3) or more prior misdemeanor convictions (three or more convictions for minor traffic misdemeanors or other relatively minor misdemeanors alone should not trigger a detainer unless the convictions reflect a clear and continuing danger to others or disregard to the law)
- The individual has a prior misdemeanor conviction or has been charged with a misdemeanor offense if the misdemeanor conviction or pending charge involves -
  - Violence, threats, or assault
  - Sexual abuse or exploitation
  - Driving under the influence of alcohol or a controlled substance
  - Unlawful flight from the scene of an accident
  - Unlawful possession or use of a firearm or other deadly weapon
  - The distribution of trafficking of a controlled substance, or
  - Other significant threat to public safety (significant threat to public safety is one which poses a significant risk of harm or injury to a person or property)
- The individual has been convicted of illegal entry pursuant to 8 U.S.C. § 1325
- The individual has illegally re-entered the country after a previous removal or return
- The individual has an outstanding order of removal
- The individual has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud
- The individual otherwise poses a significant risk to national security, border security, or public safety (including any individual suspected terrorist, a known gang member, or the subject of an outstanding felony arrest warrant; or the detainer is issued in furtherance of an ongoing felony criminal or national security investigation)

#### **IRC Records Watch Deputy's Responsibilities:**

IRC Records watch deputy shall review each ICE Detainer received by IRC. Any inappropriate or incomplete ICE Detainers shall be referred to ICE for verification.

#### **IRC Classification's Responsibilities:**